

**In re: JSG TRADING CORP.; GLORIA AND TONY ENTERPRISES, d/b/a/  
G&T ENTERPRISES; ANTHONY GENTILE; AND ALBERT  
LOMORIELLO, JR., d/b/a HUNTS POINT PRODUCE CO.  
PACA Docket No. D-94-0508.**

**and**

**In re: GLORIA AND TONY ENTERPRISES, d/b/a G&T ENTERPRISES;  
AND ANTHONY GENTILE.  
PACA Docket No. D-94-0526.**

**Order Lifting Stay as to JSG Trading Corp  
Filed March 4, 2002.**

**PACA—Lift stay.**

Judicial Officer lifted the Stay Order imposed on the outcome of the proceedings after Respondent's appeals were denied.

Andrew Y. Stanton, for Complainant.  
Richard M. Adler, for Respondent.  
*Order issued by William G. Jenson, Judicial Officer.*

On November 29, 1999, I issued a Decision and Order on Remand as to JSG Trading Corp.: (1) concluding that JSG Trading Corp. [hereinafter Respondent] committed willful, flagrant, and repeated violations of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §§ 499a-499s) [hereinafter the PACA]; and (2) revoking Respondent's PACA license, effective 61 days after service of the Order on Respondent. *In re JSG Trading Corp.* (Decision and Order on Remand as to JSG Trading Corp.), 58 Agric. Dec. 1041 (1999).

On January 13, 2000, Respondent filed a petition for review of *In re JSG Trading Corp.* (Decision and Order on Remand as to JSG Trading Corp.), 58 Agric. Dec. 1041 (1999), with the United States Court of Appeals for the District of Columbia Circuit. On January 21, 2000, the Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], requested a stay of the November 29, 1999, Order pending the outcome of proceedings for judicial review. On January 27, 2000, I granted Complainant's request for a stay. *In re JSG Trading Corp.*, 59 Agric. Dec. 487 (2000) (Stay Order as to JSG Trading Corp.).

On January 5, 2001, the United States Court of Appeals for the District of Columbia Circuit issued a decision upholding the November 29, 1999, Decision and Order on Remand. *JSG Trading Corp. v. United States Dep't of Agric.*, 235 F.3d 608 (D.C. Cir. 2001). Subsequently, Respondent filed a petition for a writ of certiorari, which the Supreme Court of the United States denied. *JSG Trading Corp. v. United States Dep't of Agric.*, 122 S. Ct. 458 (2001).

On January 29, 2002, Complainant filed a Motion to Lift Stay Order as to Respondent JSG Trading Corp. [hereinafter Motion to Lift Stay] requesting that I lift the January 27, 2000, Stay Order as to JSG Trading Corp. [hereinafter Stay Order] and reinstate the November 29, 1999, Decision and Order on Remand, except that Complainant requests that the revocation of Respondent's PACA license be effective 7 days after service of the reinstated Order on Respondent.

On February 7, 2002, the Hearing Clerk served Respondent with Complainant's Motion to Lift Stay.<sup>1</sup> Respondent failed to file a response to Complainant's Motion

---

<sup>1</sup>Domestic Return Receipt for Article Number 70993400001388058492.

to Lift Stay within 20 days after service, as required by section 1.143(d) of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.143(d)). On February 28, 2002, the Hearing Clerk transmitted the record to the Judicial Officer for a ruling on Complainant's Motion to Lift Stay.

Proceedings for judicial review of *In re JSG Trading Corp.* (Decision and Order on Remand as to JSG Trading Corp.), 58 Agric. Dec. 1041 (1999), are concluded. Therefore, I grant Complainant's January 29, 2002, request that I reinstate the Order issued in *In re JSG Trading Corp.* (Decision and Order on Remand as to JSG Trading Corp.), 58 Agric. Dec. 1041 (1999). However, I deny Complainant's January 29, 2002, request that I modify the Order issued in *In re JSG Trading Corp.* (Decision and Order on Remand as to JSG Trading Corp.), 58 Agric. Dec. 1041 (1999), to make the revocation of Respondent's PACA license effective 7 days after service of the reinstated Order on Respondent. The Order in *In re JSG Trading Corp.* (Decision and Order on Remand as to JSG Trading Corp.), 58 Agric. Dec. 1041 (1999), revoking Respondent's PACA license was to be effective 61 days after service of the Order on Respondent. Complainant provides no basis for modifying the time after which the revocation of Respondent's PACA license is effective. Therefore, I issue an Order revoking Respondent's PACA license, effective 61 days after service of the Order on Respondent.

The Stay Order issued January 27, 2000, is lifted and the Order issued in *In re JSG Trading Corp.* (Decision and Order on Remand as to JSG Trading Corp.), 58 Agric. Dec. 1041 (1999), is effective, as follows:

#### **ORDER**

JSG Trading Corp.'s PACA license is revoked, effective 61 days after service of this Order on JSG Trading Corp.

-----